

REMARKS

In the January 20, 2010 Office Action, the specification stands objected to as not containing the designated sections. Claims 11-20 stand rejected under 35 U.S.C. § 112 as failing to comply with the enablement requirement. Further, claims 18-20 stand rejected under 35 U.S.C. § 112 as indefinite. Claims 11-20 stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 5,755,652 to Gardner (“Gardner”). In light of the following remarks, all pending claims are allowable.

The Objections to the Specification Are Overcome

The specification has been amended to recite the appropriate headings. In light of this amendment, the specification is in condition for allowance.

The 35 U.S.C. § 112 Rejections Are Overcome

Claims 11-20 are cancelled herein. Newly added claims 21-35 are supported and enabled by the specification and are definite as required by 35 U.S.C. § 112.

Claims 21-35 Are Patentable Over Gardner

Independent claim 21 recites a biomechanical stimulation device comprising a platform driven by a drive unit in a two-dimensional plane perpendicular to a base plate. Likewise, independent claim 31 recites a method of biomechanical muscle stimulation comprising moving a platform within a two-dimensional plane substantially perpendicular to a base plate. Gardner does not disclose this feature.

Gardner discloses an exercise apparatus including a footplate 20 to stand on and a support frame 26 to be held. (See Fig. 1.) The footplate 20 is supported by an upper part 10 and a lower part 12. The lower part 12 is rotated around a vertical axis by a bearing 14. The rotation about the vertical axis facilitates a tilting movement of the upper part 10 with respect to the lower part

12. Thus, the platform is moveable in a circular tilting motion about a vertical axis. (See Gardner, Col. 2, ln. 15-37.)

Gardner, however, does not disclose movement of a platform within a two-dimensional plane substantially perpendicular to a base, as recited in claims 21 and 31. Instead, as described above, the movement of the footplate 20 of Gardner is limited to tilting, rotational movement. For at least this reason, claims 21 and 35, and all dependent claims, are patentable over Gardner.

Conclusion

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner has any questions pertaining to the above, then the undersigned attorney would welcome a phone call to provide any further clarification.

Respectfully submitted,

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